

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
2005 SEP 15 PM

T. RAWDON BEATTY,

Plaintiff,

v.

MERCK & CO., INC., a foreign
Corporation, et al.,

Defendants.

) Case No.: 2:05cv880-W

) Removed from the Circuit
Court of Barbour County,
Alabama

MOTION BY DEFENDANT MERCK & CO., INC. TO STAY ALL
PROCEEDINGS PENDING TRANSFER DECISION BY THE JUDICIAL
PANEL ON MULTIDISTRICT LITIGATION

INTRODUCTION

Defendant Merck & Co., Inc. ("Merck") moves this Court to stay all proceedings in this action pending its likely transfer to *In re VIOXX Prods. Liab. Litig.* MDL No. 1657, the Multidistrict Litigation ("MDL") proceeding that has been established in the Eastern District of Louisiana to coordinate all product liability cases involving alleged health risks from VIOXX® (hereinafter the "VIOXX® product liability cases") (See February 16, 2005 Transfer Order attached hereto as Exhibit A).

Merck promptly intends to provide notice to the Judicial Panel on Multidistrict Litigation (the "MDL Panel") pursuant to Rule 7.5 of the Rules of

MOTION GRANTED

THIS 2nd DAY OF September, 2005

UNITED STATES MAGISTRATE JUDGE